

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PATRICE ANN MORRIS)	
)	
Plaintiff,)	
)	
VS.)	No. 3:10-cv-1045
)	JURY DEMAND
WAL-MART STORES EAST, LP,)	JUDGE CAMPBELL
WAL-MART REAL ESTATE)	MAGISTRATE JUDGE GRIFFIN
BUSINESS TRUST, and)	
SOVEREIGN COMMERCIAL)	
MAINTENANCE COMPANY, LLC,)	
)	
Defendants.)	

AGREED ORDER FOR THE RELEASE OF
PATRICE ANN MORRIS'S MEDICAL AND EMPLOYMENT RECORDS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure; 45 C.F.R. §§ 160 and 164 of the Health Insurance Portability and Accountability Act ("HIPAA"), which specifically states that, "A covered entity may disclose protected health information in the course of any judicial or administrative proceeding: (I) in response to an order of a court or administrative tribunal, provided that the covered entity discloses only the protected health information expressly authorized by such order"; and 38 U.S.C. § 7332(b)(2)(D), and for good cause shown, it is hereby

ORDERED, ADJUDGED AND DECREED that the law firm of HOWELL & FISHER, PLLC, shall be allowed by written request only to inspect and/or obtain certified copies of all employment records, income tax returns, medical records, medical reports, medical charts, x-ray films, tissue slides or other laboratory specimens, diagnostic

studies, pharmacy/prescription records, mental health records (including any and all psychiatrists, psychologists, social workers and any other mental health professional of any kind or nature), other documents or writings, including but not limited to, protected health information, as that term is defined in 45 C.F.R. Part 160 and Part 164 (HIPAA Privacy Rule) (collectively, the "Medical Information"), related to the care and treatment of Patrice Ann Morris. **This includes medical records as they pertain to drug and alcohol and HIV/AIDS treatment.**

HOWELL & FISHER, PLLC, shall pay all costs of obtaining copies of aforesaid documents and will provide copies of said Medical Information obtained pursuant to this Order to plaintiff's attorney, James Bryan Moseley, at no charge.

This Order does require the law firm of HOWELL & FISHER, PLLC, to notify plaintiff's attorney in writing if records are reviewed but not copied, and such notification shall specify in sufficient detail which records have been reviewed but not copied.

THIS ORDER DOES NOT PERMIT EX PARTE COMMUNICATIONS BETWEEN THE LAWYERS OR THEIR REPRESENTATIVES AND THE HEALTH CARE PROVIDERS.

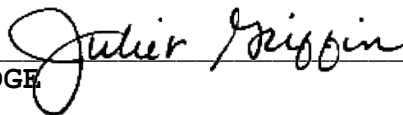
The information obtained through use of this Order may only be used or disclosed for the purposes of this litigation or proceeding. Except with the prior written consent of the plaintiff, the information produced pursuant to this Order shall not be disclosed to any person other than (a) counsel for the

parties, (b) employees or agents of counsel for the parties, (c) plaintiff and any current manager or claims representative of defendant, to the extent deemed necessary by counsel for the prosecution or defense of this litigation (defendant shall seek leave of court if it needs someone other than a current manager or claims representative of defendant to review the records), (d) experts and consultants retained for the prosecution or defense of this litigation, (e) any authors or recipients (in the ordinary course of the health care provider's business) of the Medical Information, or (f) the Court, court personnel, court reporters, and witnesses at trial.

This Order shall expire upon final disposition of this case, and the law firm of HOWELL & FISHER, PLLC, shall be prohibited from using the Order thereafter. All information obtained pursuant to this Order and all copies thereof will be destroyed or safely archived within a reasonable time period after the conclusion of this litigation or proceeding, whether by trial, appeal, settlement, or other final conclusion.

ENTER this 29th day of November, 2010.

JUDGE



APPROVED FOR ENTRY:

S/Patrick Witherington
Patrick Witherington, No. 22348
HOWELL & FISHER, PLLC
Court Square Building
300 James Robertson Parkway
Nashville, TN 37201-1107
#615/244-3370
Attorney for defendants
Wal-Mart Stores East, LP, and
Wal-Mart Real Estate Business
Trust

S/ James Bryan Moseley
James Bryan Moseley, No. 21236
Moseley & Moseley
Suite 300, One Church Street
101 Church Street
Nashville TN 37201-1609
#615/254-0140
Attorney for plaintiff

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via U.S. Mail, postage prepaid, upon James Bryan Moseley, Moseley & Moseley, Suite 300, One Church Street, 101 Church Street, Nashville TN 37201-1609, on this the 29th day of November, 2010.

S/ Patrick Witherington
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